

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Swearingen et al.	§ Group Art Unit: 2144
Serial No.: 10/815,210	§ Examiner: Shaw, Peling A.
Filed: March 31, 2004	§ Confirmation No.: 9510
For: Method and System for Authorizing a Restricted Callable Status in an Instant Messaging System	§ Attorney Docket No.: AUS920030808US1

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PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

RESPONSE TO PRE-INTERVIEW COMMUNICATION

I would like to request a telephone interview on Thursday, 28 August at 11:00am EDT (if this is not convenient, I will be available at any time beginning September 8, 2008). Please consider the following topics for discussion:

Proposed amended claims 1, 6 and 11

1. (Currently Amended) A computer implemented method for managing user status values in an instant messaging system, wherein the user status values indicate ~~[[the]] an availability of a user to~~ participate in an instant messaging session, the computer implemented method comprising:

- receiving a first request from a second user to designate ~~the user a do not disturb status value~~ that is associated with the second user such that a group of ~~one or more~~ first users cannot initiate a new instant messaging session with the second user;
- receiving a second request from the second user to designate a subset of the group of ~~one or more~~ first users such that the subset of the group of ~~one or more~~ first users is authorized to initiate ~~[[a]] the~~ new instant messaging session with the second user while a remainder of the group of ~~one or more~~ first users cannot initiate ~~[[a]] the~~ new instant messaging session with the second user;
- the second user receiving a request from a first user of the group of first users to initiate the new instant messaging session with the second user;
- determining whether the second user has designated the do not disturb status;
- ~~displaying information associated with a buddy object within a window of the instant messaging application, wherein the buddy object represents an other user in the group of one or more users;~~
- ~~in response to receiving a request from the other user to initiate a new instant messaging session with the user, displaying information associated with the buddy object in the window of the instant messaging application indicating that the buddy object is authorized to initiate the new instant messaging session with the user;~~
- ~~receiving a request from an other user to initiate a new instant messaging session with the user;~~

in response to determining that the second user has designated the do not disturb status, determining whether the first user of the group of first users is included in the subset of the group of first users;

in response to ~~a determination~~ determining that the ~~other~~ first user is not included in the subset of the group of ~~one or more~~ first users, denying the request from the first user to initiate the new instant messaging session with the second user, and displaying a message to the first user that the new instant messaging session cannot be initiated; and

in response to ~~a determination~~ determining that the ~~other~~ first user is included in the subset of the group of ~~one or more~~ first users, ~~starting displaying chat session windows for the first user and the second user for initiating the new instant messaging session with the second user.~~

2-5. (Canceled)

6. (Currently Amended) A computer program product stored in [[on]] a computer readable medium having computer usable program code for managing user status values in an instant messaging system, wherein the user status values indicate [[the]] an availability of a user to participate in an instant messaging session, the computer program product comprising:

means for receiving a first request from a second user to designate ~~the user~~ a do not disturb status value that is associated with the second user such that a group of ~~one or more~~ first users cannot initiate a new instant messaging session with the second user;

means for receiving a second request from the second user to designate a subset of the group of ~~one or more~~ first users such that the subset of the group of ~~one or more~~ first users is authorized to initiate [[a]] the new instant messaging session with the second user while a remainder of the group of ~~one or more~~ first users cannot initiate [[a]] the new instant messaging session with the second user;

means for the second user to receive a request from a first user of the group of first users to initiate the new instant messaging session with the second user;

means for determining whether the second user has designated the do not disturb status;

~~means for displaying information associated with a buddy object within a window of the instant messaging application, wherein the buddy object represents an other user in the group of one or more user;~~

~~means for displaying information associated with the buddy object within the window of the instant messaging application indicating that the buddy object is authorized to initiate a new instant messaging session with the user;~~

~~means for receiving a request from an other user to initiate a new instant messaging session with the user;~~

in response to determining that the second user has designated the do not disturb status, means for determining whether the first user of the group of first users is included in the subset of the group of first users;

in response to ~~a determination~~ determining that the ~~other~~ first user is not included in the subset of the group of ~~one or more~~ first users, means for denying the request from the first user to initiate the new instant messaging session with the second user, and displaying a message to the first user that the new instant messaging session cannot be initiated; and

in response to ~~a determination~~ determining that the ~~other~~ first user is included in the subset of the group of ~~one or more~~ first users, means for ~~starting displaying chat session windows for the first user and the second user for initiating the new instant messaging session with the second user.~~

7-10. (Canceled)

11. (Currently Amended) ~~An apparatus~~ A data processing system for managing user status values in an instant messaging system, wherein the user status values indicate [[the]] an availability of a user to participate in an instant messaging session, the ~~apparatus~~ data processing system comprising:

a bus system;
a storage device connected to the bus system, wherein the storage device includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to ~~means for receiving~~ receive a first request from a second user to designate ~~the user~~ a do not disturb status value that is associated with the second user such that a group of ~~one or more~~ first users cannot initiate a new instant messaging session with the second user; ~~means for receiving~~ receive a second request from the second user to designate a subset of the group of ~~one or more~~ first users such that the subset of the group of ~~one or more~~ first users is authorized to initiate ~~[[a]]~~ the new instant messaging session with the second user while a remainder of the group of ~~one or more~~ first users cannot initiate ~~[[a]]~~ the new instant messaging session with the second user; receive, by the second user a request from a first user of the group of first users to initiate the new instant messaging session with the second user;
determine whether the second user has designated the do not disturb status; in response to determining that the second user has designated the do not disturb status, determine whether the first user of the group of first users is included in the subset of the group of first users; in response to determining that the first user is not included in the subset of the group of first users, deny the request from the first user to initiate the new instant messaging session with the second user, and display a message to the first user that the new instant messaging session cannot be initiated; and in response to determining that the first user is included in the subset of the group of first users, means display chat session windows for the first user and the second user for initiating the new instant messaging session with the second user.

~~means for displaying information associated with a buddy object within a window of the instant messaging application, wherein the buddy object represents an other user in the group of one or more users, wherein the buddy object represents an other user in the group of one or more user;~~

~~means for displaying information associated with the buddy object in the window of the instant messaging application indicating that the buddy object is authorized to initiate a new instant messaging session with the user;~~

~~means for receiving a request from an other user to initiate a new instant messaging session with the user;~~

~~in response to a determination that the other user is not included in the subset of the group of one or more users, means for denying the new instant messaging session with the user; and~~

~~in response to a determination that the other user is included in the subset of the group of one or more users, means for starting the new instant messaging session with the user.~~

12-15. (Canceled)

REMARKS

Claims 1, 6, and 11 are pending. Applicants have amended claims 1, 6, and 11. Claims 2-5, 7-10, and 12-15 have been cancelled. Applicants do not concede that the subject matter encompassed by claims 1, 6 and 11 prior to this proposed amendment is not patentable over the art cited by the Examiner. Applicants respectfully reserve the right to pursue those claims, and additional claims, in one or more continuations and/or divisional patent applications.

Claims 1, 6, and 11 are believed to be in condition for allowance.

I. 35 U.S.C. § 101

The Examiner has rejected claims 6 and 11 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

Claim 6 recites “computer readable medium” which can be a transmission-type media, such as digital or analog communication links as per lines 7-19 on page 25 of applicants’ original specification. That is not conforming 35 U.S.C. 101.

Claim 11 recites “apparatus” and “means for...” without specific hardware references. Compared with claim 6 language, there is no significant difference. It is the evidence that the apparatus is either a hybrid or software per se.

Pre-Interview Communication dated July 31, 2008.

Claim 6 has been amended to recite a computer program product “stored in a computer readable medium having computer usable program code for managing...” This language is believed to fully satisfy the requirements of 35 U.S.C. § 101.

Claim 11 has been amended to positively recite a data processing system that comprises “a bus system; a storage device connected to the bus system, wherein the storage device includes a set of instructions; and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to...” This claim now provides specific hardware references and also satisfies the requirements of 35 U.S.C. § 101.

II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 1, 6, and 11 under 35 U.S.C. § 103 as being unpatentable over Appelman, U.S. Patent No. 6,750,881 (hereinafter “Appelman”) in view of Tang et al., U.S. Patent No. 5,960,173 (hereinafter “Tang”). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states with respect to Appelman (Reference B):

Claim 1, 6 and 11 (column 1, lines 53-59: logon status, buddy lists; column 3, lines 48-63: block status code “none”, “none except”, inclusion list.

and states with respect to Tang (Reference A):

B does not disclose “in response to receiving..., displaying indication...), A disclosed (Fig. 3-4 column 7, lines 15-37) an open mode is used to display an awareness of other works in proximity for video conference on a computer browser.

Pre-Interview Communication dated July 31, 2008.

Proposed amended claim 1 is as follows:

1. A computer implemented method for managing user status values in an instant messaging system, wherein the user status values indicate an availability to participate in an instant messaging session, the computer implemented method comprising:

receiving a first request from a second user to designate a do not disturb status that is associated with the second user such that a group of first users cannot initiate a new instant messaging session with the second user;

receiving a second request from the second user to designate a subset of the group of first users such that the subset of the group of first users is authorized to initiate the new instant messaging session with the second user while a remainder of the group of first users cannot initiate the new instant messaging session with the second user;

the second user receiving a request from a first user of the group of first users to initiate the new instant messaging session with the second user;

determining whether the second user has designated the do not disturb status;

in response to determining that the second user has designated the do not disturb status, determining whether the first user of the group of first users is included in the subset of the group of first users;

in response to determining that the first user is not included in the subset of the group of first users, denying the request from the first user to initiate the new instant messaging session with the second user, and displaying a message to the first user that the new instant messaging session cannot be initiated; and

in response to determining that the first user is included in the subset of the group of first users, displaying chat session windows for the first user and the second user for initiating the new instant messaging session with the second user.

Claim 1 has been amended to recite the invention more clearly and to ensure proper antecedent basis for all terminology therein. Claim 1 now clearly recites “receiving a first request from a second user to designate a do not disturb status that is associated with the second user such that a group of first users cannot initiate a new instant messaging session with the second user”, and “receiving a second request from the second user to designate a subset of the group of first users such that the subset of the group of first users is authorized to initiate the new instant messaging session with the second user while a

remainder of the group of first users cannot initiate the new instant messaging session with the second user.” Neither Appelman nor Tang nor their combination discloses or suggests a mechanism in which a user requests that a do not disturb status be designated so that a group of users cannot initiate an instant messaging session, and also requests that a subset of the group of users be designated as authorized to initiate the instant messaging session.

Appelman also does not disclose or suggest “determining whether the second user has designated the do not disturb status” as now recited in claim 1, or “in response to determining that the second user has designated the do not disturb status, determining whether [a] first user of the group of first users [that has requested to initiate an instant messaging session] is included in the subset of the group of first users” as now also recited in claim 1. Appelman simply provides a mechanism for providing a permissions list specifying the status of individuals with respect to being entered on buddy lists. The reference does not disclose or suggest determining whether a do not disturb status has been designated, and determining whether a user of a group of users is included in a subset of a group of users.

Appelman also does not disclose or suggest “in response to determining that the first user is not included in the subset of the group of first users, denying the request from the first user to initiate the new instant messaging session with the second user, and displaying a message to the first user that the new instant messaging session cannot be initiated; and in response to determining that the first user is included in the subset of the group of first users, displaying chat session windows for the first user and the second user for initiating the new instant messaging session with the second user.”

Tang is cited as disclosing the displaying features of the claims and does not supply the deficiencies in Appelman as described above.

Claim 1, accordingly, patentably distinguishes over the cited art in its present form.

Claims 6 and 11 have been amended in a similar manner as claim 1 and also patentably distinguish over the cited art in their present form.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 25, 2008

Respectfully submitted,

/Gerald H. Glanzman/

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